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# Authoritarian Learning in China's Civil Society Regulations: Towards a Multi-Level Framework

Bertram LANG

**Abstract:** How do authoritarian governments learn? What kind of events and experiences can lead them to adopt more or less restrictive policies towards social actors? And, how are such lessons from others' experiences integrated into new policies? These questions have been addressed and answered quite differently from various disciplinary perspectives, focusing either on international dynamics such as "authoritarian diffusion" or on domestic policy learning. This article seeks to integrate different perspectives on authoritarian learning by proposing a typological framework of positive and negative learning from three distinct sources: authoritarian peers, democratic countries, and subnational policy experiments. I argue that such a comprehensive framework better accounts for both the relative importance and for the interaction of different kinds of learning in national-level policy processes. To illustrate the framework's added analytical value, I use an exemplary case study of recent legislative changes to China's civil society policy, which have been alternatively interpreted as part of an authoritarian "wave" or as another step in incremental domestic learning processes.

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**Keywords:** China, authoritarian diffusion, non-governmental organisations, charity, policy learning

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## Introduction

The apparent global “democratic recession” (Diamond 2015) and the growth of restrictions on civil society actors in many countries have led to an unprecedented academic interest in the potential causal links between new authoritarian policies in different countries. However, the opacity of authoritarian policymaking and the often exclusive focus on international dynamics in the International Relations (IR) literature make it impossible to ascertain the relative importance of these external factors as explanatory variables for the global “wave of repression against NGOs” (Bank and Josua 2017: 4) – or authoritarian policymaking more broadly. On the other end of the spectrum, area specialists studying authoritarian systems tend to focus on the specific domestic pathways of state–society relations in each country and thus explain policy changes as idiosyncratic outcomes of domestic long-term developments. In the case of China studies, this has led to a great wealth of literature on the emergence of a specifically Chinese model of post-socialist state–society relations, conceptualised alternatively as “consultative authoritarianism” (Teets 2013), “social corporatism” (Han 2016), “hidden rules” (Deng 2010), “state-sponsored engagement” (Whiting 1991: 17), or “dependent interdependence” (Zhang 2015).

Considering the respective contributions and limitations of both IR and country-specific approaches, I ask how these various takes can be usefully combined to provide a more comprehensive account of learning processes in authoritarian systems. My core argument is that international (or, top-down) and domestic (or, bottom-up) perspectives on national-level policymaking need to be more systematically combined to increase the analytical value of the “authoritarian learning” concept and derive a more nuanced understanding of policy change in related countries. The article proposes a typological framework which distinguishes between six qualitatively different types of authoritarian learning along two dimensions – namely, the source of learning and the (positive or negative) types of lesson drawn.

To substantiate my theoretical argument and illustrate the pertinence of the proposed multi-level framework, the empirical part of the article will focus on the People’s Republic of China’s (PRC) civil society policy as an exemplary case of authoritarian learning. In empirically applying the conceptual framework, I will ask a) which types of learning are most relevant and b) how they came together to drive

recent changes in the Chinese party state's national-level regulation of civil society actors. This case study can provide important insights into authoritarian learning for several reasons. The PRC has been frequently described as a learning authoritarian system from both domestic (Florini, Lai, and Tan 2012; Heilmann 2008a; Nathan 2009; Simon 2008) and international (Song 2010; Liu and Wang 2018; Yang and Ortmann 2018; Zhang and Marsh 2015) perspectives.

With the adoption of two new laws regulating the civil society sector in 2016, this policy field displays a significant degree of recent change that is in need of explanation. Notably the “Law on the Administration of Activities of Overseas Non-Governmental Organizations in Mainland China” (hereafter, Foreign NGO or FNGO Law) represents an exemplary case of the rift between analytical perspectives, having been viewed as part of a global “wave” of repressive laws against international civil society organisations (ICSOs) and attributed to learning from “Russia’s bad example” (Hooper and Frolov 2016) from an IR perspective (Bank and Josua 2017: 4; Carothers 2016). For some China specialists, meanwhile, it is seen as “a tactical move in a long-term strategy” (Hsu and Teets 2016). Another advantage for demonstration purposes is that China is a relatively transparent regime by authoritarian standards, due to a prolific bureaucratic apparatus whose well-documented communications and policy drafts provide material for tracing policy processes over time. This is particularly so for the Charity Law, which was passed in March 2016 after decade-long deliberations – with input and “public comments” sought from both domestic and foreign experts and practitioners.

After a review of the literature on authoritarian policy learning and a methodological note, I will first explain the proposed typological framework – integrating learning from authoritarian, democratic, and subnational examples – and then apply it to the study of Chinese civil society regulations.

## Authoritarian Diffusion and Learning

For decades, the literature on international diffusion processes focused primarily on that of liberalism and (neo-)liberal policies (Simmons, Dobbin, and Garrett 2006; Simmons and Elkins 2004). Dobbin, Simmons, and Garrett authoritatively highlighted “Social Con-

struction, Coercion, Competition, or Learning” (2007) as the most popular mechanisms examined in the different theoretical strands of the public policy diffusion literature. However, the mechanisms involved in the diffusion of authoritarian policies are not necessarily the same. Thus a growing body of IR literature has focused specifically on “authoritarian diffusion,” pointing to several mechanisms through which illiberal policies in one country can increase the likelihood of similar policies emerging in another. They include direct authoritarian collaboration (von Soest 2015), democratic norm erosion (Cooley 2015), the rise of illiberal regional powers (Risse and Babayan 2015) or “authoritarian great powers” (Gat 2007) – and, most importantly, authoritarian learning (Ambrosio 2010; Hall and Ambrosio 2017; Heydemann and Leenders 2011; Koesel and Bunce 2013).

Explicitly in response to common assumptions in liberal policy diffusion studies, Tosun and Croissant (2016) argue for renewed sensitivity towards the role of regime types of both source and target countries in international diffusion processes. Their comparative findings suggest that what they dub the “international route” – pressure or incentives by international organisations or other states – is most relevant for the diffusion of policies from democracies to autocracies. Due to active Western “democracy-promotion” efforts, this route has arguably played an important role in the diffusion of liberal, pro-market policies (Risse and Babayan 2015). However, while Tosun and Croissant do not distinguish between the type of “policy innovation” (liberal or illiberal), there is little compelling evidence of authoritarian policies being similarly “coerced” upon others through ideology-based “autocracy promotion” (Tansey 2016; Bank 2017). Thus, this article will focus on the “bureaucratic route” (Tosun and Croissant 2016: 536) of unilateral, voluntary learning, which appears most likely in the case of authoritarian, illiberal policies (Erdmann et al. 2013: 24).

Policy learning commonly refers to changes in policymakers’ beliefs about cause-and-effect relationships, which subsequently lead them to adjust their own policies (Elkins and Simmons 2005). Whereas Dobbin, Simmons, and Garrett differentiate neatly between constructivist diffusion theories about social acceptance or ritualistic mimicking (2007: 451–454) and evidence-based learning approaches implying rational cost–benefit analyses (2007: 463), I contend that both angles are compatible insofar as collective learning processes

always involve both a rational and a social component. As the authors themselves concede, the “lessons learned are not always the right lessons” (Dobbin, Simmons, and Garrett 2007: 460) – be it because of imperfect information or social factors inherent to decision-making. Ambrosio (2010) similarly points to “appropriateness” and “effectiveness” as key dynamics in the ongoing “reverse wave” against democratisation. First, governments could feel encouraged to violate liberal norms by adopting restrictive measures against CSOs because other regimes’ similar policies previously contributed to their global erosion (Cooley 2015), thereby decreasing the reputational costs for potential followers. Second, examples of effective restrictions can serve as direct models for other autocrats who “identify what they perceive to be a problem and then begin ‘scanning the international environment’ for apparent solutions” (Ambrosio 2010: 382).

In the case of reform-era China, Hu Aiqin (2012) has similarly demonstrated how the fundamental transformation of China’s healthcare system since the 1980s followed globally diffused neo-liberal models. This has been based on a combination of international reputational drivers and on strategically oriented learning among Chinese policymakers. Analysing the evolution of the Chinese local state’s approaches towards civil society actors, Teets further highlighted the causal relevance of Chinese Communist Party (CCP) cadres’ beliefs, which she shows are shaped by both “strategic” ideas – meaning pragmatic considerations of material benefits and disadvantages – and “modular” ideas, derived from successful international and domestic state–society models” (Teets 2013: 19–20).

## Research Approach

Concerning the methodology of authoritarian diffusion and learning studies, Erdmann et al. (2013: 19) rightly criticise the fact that transfer processes often remain a “black box” empirically, with analyses focusing mostly on output convergence between regimes over time. However, many of the authors’ best practice examples (2013: 23–25) amount more to anecdotal evidence of direct exchanges between leaders than to a systematic research programme. Logically speaking, studies of policy learning need to provide evidence that policymakers previously had both a (strategic/material) motive and opportunities (i.e. available information about possible models) for learning. The

challenge remains that most direct consultations between authoritarian governments are opaque, and collective learning is hard to observe as a cognitive process. Instead, I propose to minimise the black box of authoritarian learning and decision-making by pragmatically looking for indirect indicators of bureaucratic learning. These include:

- official and unofficial policy debates surrounding the legislative process and policy implementation,
- policy output (legal content), as well as
- policy implementation and communication vis-à-vis domestic and international audiences.

Such broad-based, longitudinal policy process-tracing requires a varied toolbox, and necessarily deals with data from a diverse range of sources (George and Bennett 2005: 206–207). In the present case, official policy debates can be analysed based on government communications, CCP leaders' quotes, as well as on reports and comments appearing in authoritative party-state media outlets. As a proxy for unofficial policy debates, I rely mainly on Chinese-language academic publications, which regularly take a practice-oriented approach and make concrete suggestions for policy reform – reflecting social scientists' designated role as providers of “constructive” policy input in China's governance system. The evolution of policy content can be directly observed from legal and regulatory texts over time. Chinese lawmakers even provide official “interpretation notes,” serving as guidelines for interpretation and implementation. As for implementation practice, the evidence at this early stage remains more anecdotal and based only on background interviews with stakeholders from civil society and on media reports. Finally, the analysis of policy communication relies on government reports and Chinese media articles published since 2016.

## Towards an Integrative Typology of Authoritarian Learning

Based on the above considerations, the following discussion focuses on authoritarian policy learning as a conscious albeit not necessarily efficient process within governments which “look to others for [transferable] policies and rules that effectively solved similar problems elsewhere” (Börzel and Risse 2012: 9). This can involve a trans-



fer across jurisdictions within the same country (domestic learning) or an emulation of policies observed in other ones (transnational learning) (Dolowitz and Marsh 2000). Since policy learning in adaptable regimes such as China takes place constantly and from many different sources, I suggest breaking down the somewhat artificial limitation to learning between authoritarian regimes – which remains common in the authoritarian diffusion literature – in favour of a more comprehensive typology of authoritarian learning along two nominal dimensions (see Table 1 below).

The first dimension of the proposed conceptual framework relates to the source of policy learning. This can be other authoritarian governments, either through direct leadership and bureaucratic exchanges – or by studying how other leaders have dealt with similar challenges. But, second, sources for authoritarian policy learning can also be found in democratic states, especially when it comes to policy field-specific, more technical issues rather than the fundamental polity ones that are usually the focus of democratisation scholars. Third, a less biased understanding of policy-learning sources requires consideration of international and domestic sources in conjunction. From a China Studies perspective, it is quite natural that national-level policymakers turn to domestic sources – namely, provincial and local governments – for lessons about which policies result in desired outcomes and are worth imitating. How these domestic lessons interact with parallel and potentially contradictory lessons from abroad, however, remains an understudied question.

The second dimension of the framework, meanwhile, concerns how positive and negative learning should be seen as two clearly distinct processes with different underlying mechanisms. The two attributes are used here in a purely descriptive and not a normative sense (cf. the discussion of positive and negative social learning by Boehmke and Witmer 2004): Positive learning refers to strategies of looking for useful policy models – or benchmarks – in other jurisdictions, and subsequently adapting these lessons to the national context. Negative learning – that is, trying to avoid mistakes and undesirable outcomes observed elsewhere – often operates through signalling effects and tends to be more abstract in nature since direct learning from the unsuccessful source state – *in extremis*, from a toppled autocratic regime – is seldom possible. In short, positive learning comprises efforts to replicate; negative learning, meanwhile, denotes

those seeking to avoid the replication of policies and outcomes observed elsewhere. Based on these reflections, Table 1 provides an overview of the six types of authoritarian learning – along with typical examples for how they can operate in the realm of civil society regulations.

**Table 1. Types of Authoritarian Learning with Typical Examples for Civil Society Regulations**

Learning by authoritarian governments	Positive	Negative
From other authoritarian states	Successful “diffusion-proofing” techniques for civil society control  Observed usefulness of CSOs in certain policy fields; models of “harmonious” state–society cooperation	Signalling effect of authoritarian regime collapses in the face of public contestation  Observation of autocratic regimes’ failed repression of civil society
From democratic states	Imitation of “useful” civil society functions, e.g. service provision by CSOs, charity  Integration of CSOs into foreign policy to boost “soft power”	Avoidance of observed oppositional or destabilising role of CSOs in democracies
From domestic experiences/ subnational models	Local-level policy innovation; coordinated policy experiments at subnational level  Imitation and propagation of local regulatory models which achieved central state goals	Trial-and-error policymaking:  Unsuccessful local experiments  Critical review of policies that backfired or created “instability”

Source: Author’s own compilation.

The remainder of this article will focus on Chinese civil society policy-making as an exemplary case, applying the typological framework to examine the sources and mechanisms of change in national-level regulations.

## Learning and Lesson-Drawing in Chinese Policymaking

“China can be described  
as a ‘learning state’ which has adapted  
to changing conditions and  
frequently turned outward for lessons.”  
(Yang and Ortmann 2018: 946)

Since the breakdown of many other communist regimes, the PRC's apparent “authoritarian resilience” (Nathan 2009) has frequently been explained with the regime's extraordinary learning and adaptation capacity. This policy learning is adequately characterised as “authoritarian learning,” since its overarching purpose has always been to (re-) legitimise and ensure the longevity of one-party rule and thus to prevent a popular challenge to CCP power. Before examining the role of authoritarian learning in the civil society field, it will be useful to first briefly highlight the general relevance and mechanisms of learning from each of the three aforementioned sources – other autocracies, democratic countries, and subnational experiences.

### China's International Learning from Autocracies

Regarding the struggles among China's leaderships over the future development path and necessary policy reforms since 1989, the Soviet Union's collapse would undoubtedly play a crucial role (Marsh 2003). The core lesson of this daunting historical example for the CCP was that “Gorbachev got it wrong” by initiating political liberalisation before accomplishing economic reforms to improve material living standards. More recently Xi Jinping drew his own lessons from the Soviet Communist Party's collapse, arguing that:

[This is] a profound lesson for us! To dismiss [...] Lenin and Stalin, and to dismiss everything else is to engage in historic nihilism, and it confuses our thoughts and undermines the Party's organizations on all levels. (*China Digital Times* 2013)

In this narrative, the abandonment of Communist Party control over state and societal institutions was responsible for the USSR's disintegration, which is why CCP organs and Party cells now need to be reinvigorated at all levels. Further negative models with a profound impact on Chinese policy debates were the “Colour Revolutions” in

Georgia (2003), Ukraine (2004), and Kyrgyzstan (2005) as well as the “Arab Spring” that began in 2011 (Wang Zhen 2012). In light of apparent protest diffusion from one society to another, authoritarian regimes in the Arab world quickly learned from each other – including through direct cooperation (Heydemann and Leenders 2011). In China, the signalling effect of such an unexpected occurrence of “democratic contagion” shook up an already insecure CCP ahead of a momentous power transition in 2012/2013, as the rigorous repression of even innocuous allusions to “jasmine flowers” impressively demonstrated. Negative learning in terms of “diffusion-proofing” (Koesel and Bunce 2013), meaning trying to prevent similar instances of popular contestation at all costs, has thus constituted a powerful motivation for policy changes – particularly since 2011.

Regarding China’s positive learning from authoritarian examples, the literature has overwhelmingly concentrated on Singapore. Likewise, Singaporean intellectuals have prominently touted their own country as a model for China – since this obviously bolsters Singapore’s own international standing. In several policy areas, the “Singapore Model” (新加坡模式, *Xinjiapo moshi*) has been openly acknowledged by Chinese intellectuals and leaders as an example worth following. On Baidu Baike, China’s state-sanctioned online dictionary, this model is glamorously defined as referring to “a country with political democracy, clean politics, civilised society, a thriving economy, a happy and harmonious people, and an excellent environment” (一个政治民主、政府清廉、社会文明、经济繁荣、人民幸福和谐、环境优美国度, *Yi ge zhengzhi minzhu, zhengfu qinglian, shehui wenming, jingji fanrong, renmin xingfu hexie, huanjing youmei guodu*) (Baidu Baike 2019). The continued popularity of the Singaporean governance system has been demonstrated in a recent survey among Chinese mid-level cadres (Liu and Wang 2018). China’s attempts to learn from Singapore in terms of culture and ideology (the “Asian values” debate), the use of semi-competitive elections, and, most importantly, anti-corruption policies have, however, remained largely unsuccessful to date (Thompson and Ortmann 2018).

## Democratic Countries as Policy Models

The far more important positive models for policymakers in reform-era China have arguably been Western democratic countries. Apply-

ing an institutional policy transplantation model, de Jong (2017: 91) has highlighted the extraordinary effectiveness of Chinese policy-makers' selective, creative, flexible, and critical learning from Western models. Zhang and Marsh (2015) have traced the many ways in which Chinese leaders and lower-level officials learned lessons on market liberalisation, decentralisation, new public management, or, more recently, "public service-oriented government." Song (2010) has demonstrated that European countries are the most frequently analysed and commended foreign models in Chinese social science studies, across many policy areas. Huotari and Heep (2016), meanwhile, have shown how Chinese policymakers consciously "learned geoeconomics" by experimenting with various elements gleaned from Western countries and international institutions.

China's international rise and its burgeoning great power ambitions also mean that Chinese intellectual and political elites have turned to the United States model of "global hegemony" (全球霸权, *quanqiu baquan*) in search of elements that could be adapted to suit China's own global leadership aspirations. As a result, the US-originating concepts of "soft power" and "public diplomacy" have been integrated into official Chinese foreign policy discourse (Shambaugh 2013). However the US's democratic polity, which allows for a diverse set of governmental and non-governmental actors to participate in foreign policy, means that both soft power and public diplomacy inherently grant an important role to society. Despite their partial reinterpretation in the Chinese context to emphasise CCP leadership (Wang 2011) the concepts' underlying ideas have not been completely diluted with the transfer thereto, as the analysis below will show.

## Domestic Learning and Policy-Diffusion Mechanisms

The case of China offers an unusual wealth of empirical studies on domestic policy learning, ones which have, however, not hitherto been adequately reflected in the China-related IR literature. While China scholars hold differing views on the power dynamics between national and subnational policymakers, there is broad agreement on the fact that throughout China's reform and opening-up era, new policies were regularly tried out at the local or provincial level and

revised based on learning from these experiences before being implemented nationwide (Zhu 2012; Florini, Lai, and Tan 2012). Heilmann distinguishes the Chinese model of deliberate “experimentation under hierarchy” from “spontaneous policy diffusion,” to explain the “emergence of an unexpectedly adaptive authoritarianism” (Heilmann 2008b: 2). Policy experimentation, which he sees as a key to China’s fundamental economic and institutional reforms, is thus a process that stimulates “comprehensive collective learning processes that resulted in serial, and cumulatively radical, redefinitions of policy parameters” (Heilmann 2008b: 21–22). What he dubs a “point-to-surface approach” gave

room to local officials to develop models on their own, while ultimate control over confirming, revising, terminating and spreading model experiments rests with top-level decision makers. (Heilmann 2008a: 2)

Zhu conceptualised a similarly rationalised experimentation and learning process in which “competition in the performance evaluation-based personnel system [of lower-level cadres] contributes to the formation of ‘championship policy diffusion’” (Zhu 2014: 117). Against this assumption of well-coordinated, technocratic, and efficiency-oriented learning in China, Teets (2016: 89) objected that policy diffusion within the country can be inefficient or outright contradictory, since local government officials are better understood as “policy entrepreneurs” pursuing their own agendas. Nonetheless, her study of elderly care policies in China provides further evidence for the prevalence of vertical and horizontal domestic policy learning and the diffusion of successful policies across different localities and levels of governments there.

The discussion above has highlighted convincing examples for both international and domestic learning in modern Chinese policymaking. However, these processes have mostly been analysed separately in different studies, while the ways in which learning from foreign examples and learning through subnational experimentation interact and eventually converge into policy changes at the national level have not been systematically addressed. I shall thus now turn to the specific case of civil society policymaking, to combine both perspectives under the typological framework introduced earlier.

## China's Changing Civil Society Regulatory Environment

In March and April 2016, the Charity Law and the FNGO Law were adopted by the National People's Congress within a couple of weeks of each other. As the first formal laws in a field formerly governed by provisional regulations, government opinions, and differing local regulatory and implementation practices, both have been described as ground-breaking and disruptive – albeit for different reasons. From the outset, the two laws have appeared to point in opposite directions: The FNGO Law, whose purview covers a vast range of foreign entities from advocacy groups to international friendship associations and chambers of commerce, came as an unpleasant surprise to many. It was overwhelmingly interpreted as an unprecedented regulatory crackdown on ICSOs, which had been able to operate in a scarcely regulated grey area for decades (Deng 2010: 190; Shieh 2018). By contrast, the Charity Law – designed as a new option for domestic “lawfully established non-profit organisations [NPOs]” (Article 8) to obtain preferential status as “charity organisations” – had been prior discussed for over a decade and eagerly expected in a non-profit sector toiling under cumbersome registration processes (Hildebrandt 2011) as well as onerous tax provisions (Hu and Guo 2016: 216). However, the following policy process-tracing will show how both laws represent facets of a new, ambiguous governance approach informed by – partly contradictory – lessons drawn from different sources. Table 2 below provides a succinct summary of the empirical findings regarding different types of policy learning in recent Chinese civil society regulations.

**Table 2. Assessment of Policy Learning in Chinese Civil Society Regulations**

Chinese civil society policy learning	Positive	Negative
From other authoritarian states	<p><b>Weak</b></p> <p>Few “good” examples reconciling control over ICSOs with international soft power ambitions</p> <p>Singapore Model not related to civil society; “Russia model” not attractive; some parallels with Vietnam and Cambodia</p> <p>Scope and content of administrative exchanges unknown</p>	<p><b>Strong</b></p> <p>Strong signalling effect of Colour Revolutions and Arab Spring</p> <p>Many Chinese analyses highlight “infiltration” by ICSOs in other autocratic countries</p>
From democratic states	<p><b>Moderate</b></p> <p>Partial appropriation of capitalist charity model and “pluralist” foreign policy</p> <p>Study trips to US, philanthropy exchanges</p> <p>Reinterpretation of US soft power and public diplomacy within the Belt and Road Initiative</p>	<p><b>Weak</b></p> <p>Chinese media exploiting protest movements in Western democracies, but no apparent learning</p>
From domestic experiences / subnational models	<p><b>Strong</b></p> <p>Extensive lower-level policy experimentation with CSO regulations</p> <p>Yunnan pilot regulations as blueprint for FNGO Law</p> <p>Path dependency in state–society relations at national level</p>	<p><b>Weak</b></p> <p>Few real security problems with CSOs within China</p> <p>Domestic experiences do not explain hardening of civil society policies</p>

Source: Author's own compilation.



## Lesson-Drawing from Other Autocracies: Mostly Negative

The characteristic features of a supposedly coordinated global “push-back” against civil society, as identified by Carothers, include severe funding restrictions, “intimidating international groups through legal and extra-legal harassment,” creating a climate in which “recipients of foreign funding are intimidated and publicly delegitimized,” using “tax laws [and] invasive auditing procedures” to “harass NGOs,” creating “opaque registration procedures to accuse international groups of violating official NGO regulations,” and “inhibiting partnerships with local organizations” (Carothers 2016: 361f.). From an output-oriented perspective, the FNGO Law indeed displays several common elements with (anti-)NGO laws in Russia, Belarus, Cambodia, or Azerbaijan. This is notably true for new restrictions prohibiting foreign funding of “political activities” (Art. 5/2), increased registration hurdles, and intrusive governmental supervision competencies (Lang and Holbig 2018: 3).

The most widely noticed change concerns the shift of regulatory oversight from the Ministry of Civil Affairs (MCA) to the Ministry of Public Security (MPS). This fundamental change was apparently decided by the new National Security Commission (NSC), headed by President Xi himself, during its first session in April 2014 (Shieh 2018: 6). Although the internal motivations of top-level leaders within the NSC are unobservable, this shift towards viewing ICSOs primarily as a threat to “national security” (i.e. regime stability) is remindful of measures taken by other illiberal regimes since the outbreak of the Arab Spring revolutions in 2011 (Heydemann and Leenders 2011). In conjunction with insights from leaked internal party documents (Chinafile 2013; *China Digital Times* 2013), it can be inferred that the Xi administration aims to shield itself from a perceived infiltration by “Western values” (西方价值观, *xifang jiazhi guan*) – that, however, without losing the benefits that come with international cooperation in the non-profit sector (Xie 2011).

Negative authoritarian learning played a crucial role herein insofar as the – supposed – role of ICSOs in the Colour Revolutions and the Arab Spring uprisings contributed to shifting Chinese intellectual discourse and the internal power balance within the CCP towards mistrust of Western “civil society” actors during the first decade of the new millennium. The FNGO Law itself, however, was presented

as a constructive effort at effective regulation rather than a government response to alleged infiltration by “foreign agents.” Subsequent internal analyses of the Law’s implementation equally focus on the regulatory effectiveness issue, highlighting both the advantages for ICSOs as compared to under the previous “legal void” (法律空白, *falü kongbái*) and also the need for adjustments to deal with bureaucratic registration issues (Ye and Huang 2018: 209–213).

The Charity Law’s listing, meanwhile, of vaguely worded provisions against undesired organisations which allegedly “endanger national security and society’s public interests” (Art. 15) could be seen as a further parallel to arguments used in other authoritarian countries too. But this wording also has a long tradition in CCP policy documents and, as opposed to with FNGO Law Art. 5, domestic CSOs are not explicitly prohibited from engaging in “political activities.” The exclusion of religious activities from the realm of “charity” (慈善, *cishān*) was made explicit with the enactment of new, far more restrictive “Religious Affairs Regulations” (宗教事务条例, *zongjiao shiwu tiaoli*) in February 2018. The contemporaneous crackdown on “foreign” religions, notably Islam and Christianity, across China, while also potentially building on lessons from abroad, is beyond this article’s scope. Conversely, the exclusion of such “suspicious” activities confirms that the Charity Law in itself is intended as a constructive framework for those organisations working within its purview.

As the most frequently cited source of Chinese “authoritarian-positive” learning, Russia has passed increasingly restrictive and hostile laws on NGOs (2006), on “Foreign Agents” (2012), and on “Undesirable Foreign Organisations” (2015) of late (Gilbert 2016). Russia’s “unfortunately effective crackdown on civil society” is widely seen as having “had much broader and more nefarious consequences” (Hooper and Frolov 2016: 12) on a global scale. The Sino–Russian rapprochement in recent years has piqued IR scholars’ interest in elucidating the growing number of exchanges between Chinese and Russian leaders and bureaucrats on a wide range of issues. The general picture, however, is more one of an asymmetric relationship, with the economically and socially much more unstable Russia acquiescing to a “junior” role and trying to learn from China’s apparent governance successes (Kaczmarek 2018).

Explicitly comparing the Chinese FNGO law with its Russian predecessors, Plantan argued that several similarities regarding con-

tent and political intention mean that Russia's present could "fore-shadow China's future" (Plantan 2017). But Chinese policy documents and research articles provide little support for the idea that state-society relations within Vladimir Putin's electoral autocracy are actually seen in China as a positive model. With its flailing economy and a political system that appears far more unstable, riddled with social protests and the political influence of powerful oligarchs, the "Russia Model" (俄罗斯模式, *Eluosi moshi*) has overwhelmingly negative connotations in Chinese debates and serves mostly as a foil used for unflattering comparisons with the "China Model" (Li and Li 2018).

In light of the above discussion, another likely model for Chinese positive authoritarian learning is Singapore. However, the city state did not pass any significant pieces of new restrictive legislation serving as potential inspiration for Chinese laws. Furthermore, in Chinese civil society debates Singapore is almost never mentioned as a point of reference. This could be explained by the vastly different trajectories of state-society relations, with Singapore entirely lacking China's historical background of totalitarian Maoism with omnipresent mass organisations.

A potential model with far more similarities to communist China in these regards is Vietnam. The term "Vietnam Model" (越南模式, *Yuenan moshi*) does appear in Chinese debates, however only with reference to a potential model for the political relations of a communist party regime with the Vatican. Despite decade-long deliberations, Vietnam still has not passed its proposed "Law on Associations." A new "Decree on Associations" effected in 2010 naturally upheld the party state's supremacy and apparently aimed to foster the development of domestic NGOs under state-controlled "umbrella organisations" (Wischermann 2011) in ways similar to China. Promulgated in 2012, Decree 12 on "Registration and Management of International NGO Operations in Vietnam" bears similarities with China's FNGO Law but does not break with an informal and flexible case-by-case governance approach more reminiscent of China's previous "hidden rules" (Deng 2010). Apart from the post-Soviet countries, the only other one to pass a similar "Law on Associations and Non-Governmental Organisations" shortly before China did was Hun Sen's increasingly authoritarian Cambodia, in 2015. Yet the law only attracted major attention in China in 2017 when the Cambodian

government used it to shutter the US-based National Democratic Institute in 2017 (Zhu 2017).

In terms of policy communication, China's approach differs most markedly from other countries with similar restrictive laws. This is especially so compared to internationally much-debated cases like the Russian and Hungarian governments' ostentatious attacks against ICSOs as alleged "foreign agents" or "conspirators." The Chinese government, by contrast, endeavoured to appease international criticism from the outset. When the FNGO Law's first public draft was made available "for public comment" in July 2015, a government spokesperson emphasised that:

Swathes of FNGOs have made positive contributions to China's friendly relations with the world, promoting China's economic development and social progress [...]. The Chinese government will continue to welcome and support FNGOs coming to China. (Guo Shengkun, quoted in *Xinhua* 2015; author's own translation)

Thus, while passing new legislation generally perceived as distrustful and hostile towards the foreign civil society sector, Chinese authorities have openly praised foreign organisations' "high level of professionalism" as "worthy of our learning and emulation" (*Jiefang Ribao* 2015).

During the FNGO Law's early implementation phase, the MPS and regional public security bureaus held various certification approval ceremonies for registered ICSOs in an apparent attempt to send out positive signals regarding continued interest in international cooperation. This was complemented by a series of media success stories highlighting each instance of new FNGO registrations as proof for the Law's smooth implementation. Meanwhile, the regularly updated and easily accessible public whitelist of registered FNGOs (MPS 2018a) represents a step towards increased operational transparency not only for state agents but also for the wider public – as it facilitates empirical analyses of (official) FNGO activities in China, as well as direct engagement with those actors. This Chinese focus on "whitelisting" organisations contrasts with Russia's public blacklisting of "foreign agents" and "undesirable organisations" – a practice clearly intent on publicly shaming and blaming foreigners for destabilising Russia's political system.

Chinese authorities regularly quote staff from registered FNGOs praising the "convenient service measures" (便利服务措施, *bianli fuwu*

*cuoshi*) provided during registration (MPS 2018b). This general soft communication approach to selling a restrictive law is, however, contradicted by intermittent media articles depicting individual “malignant” ICSOs – notably religious and smaller human rights groups – as endangering China’s national or “political security” (政治安全, *zhengzhi anquan*) (*Renmin Ribao* 2019). In reality, implementation has remained ambivalent: Most major ICSOs sailed through the registration process thanks to solid political connections and sufficient organisational resources to overcome the new bureaucratic hurdles. For smaller NGOs, however, the requirement to find a government-approved “Professional Supervisory Unit” (PSU) to oversee and vouch for their activities represents a major hurdle, mainly because these (mostly governmental) agencies face few incentives and many political risks in assuming responsibility for a foreign organisation – except for technology exchanges or trade promotion.

The government’s resolve to present its policies as a positive contribution to the non-profit sector’s development and growth is even more obvious with regard to the Charity Law: the Law dedicates a whole chapter (IX) to “Promotional Measures,” and Art. 88 explicitly calls on the state, schools, and media to “actively publicise charitable activities” and “promote a culture of charity.” In sum, with positive messages about “charitable services” (慈善服, *cishan fumu*) and “volunteers” (志愿者, *zhiyuanzhe*) clearly outweighing negative propaganda about harmful NGOs, the Chinese official discourse on ICSOs departs from the “vilification” (Carothers 2016: 362) of foreign-funded NGOs commonly identified as a key element of authoritarian civil society laws.

## Learning from Democracies: “Soft Power” and Charity Regulation

The impact of policy transfer from Western ICSOs on the development of China’s grass-roots civil society has been well documented (Han 2011; Spires 2012). However, the English-language literature has given little attention conceptually to diffusion and learning processes at government level, despite many US foundations’ sustained efforts since the 1990s to spark “democratic learning” processes among Chinese officials through demonstration and socialisation effects (He and Yang 2013). Indeed, policy diffusion theories usually

assume that governments are far more likely to learn from culturally and politically similar regimes (Dobbin, Simmons, and Garrett 2007: 453), since “policy innovations will not uniformly appeal to all political regime types” and “may prove incompatible with the already existing policy arrangements” (Tosun and Croissant 2016: 536; Elkins and Simmons 2005). However, the Chinese leadership’s enduring determination to catch up with Western countries by emulating their apparently successful policies appears to have overridden this general tendency. Chinese bureaucrats’ and scholars’ eagerness to learn from US policies, particularly regarding the regulatory environment and tax regime for private charitable organisations, was proven by numerous official delegation visits to US civil society study centres and government departments during the first decade of the new century.

An analysis of Chinese-language academic debates on “civil society” (公民社会, *gongmin shehui*) substantiates this overriding orientation towards Western countries – and notably the US model. Whereas the above-mentioned Colour Revolutions accentuated fears among CCP hardliners of an apparent democratic contagion and thus provided arguments for restraining democratic influences from abroad, Chinese analysts showed a far greater interest in the role of ICSOs within US foreign policy strategy than in the reactions of the authoritarian governments concerned (Lang 2018). Thus, while a growing number of analysts since 2004 have portrayed ICSOs as a “tool of US ‘democracy promotion’” (Zhong 2005: 67) or a “challenge for the stability and development of Central Asian societies” (Li and Liu 2005: 38), US support for ICSOs is overwhelmingly portrayed as an “effective” means of promoting “Western values” or “Westernisation” (西方化, *xifanghua*) (Wen 2007: 58; Ma 2015).

In other words, ICSOs are interpreted as an important component of US “soft power.” The frequent use of positive learning terms like “lessons for China” or “learning from experience” (多我国的启示, *dui woguo de qishi*, 借鉴.....经验, *jiejian...jingyan*) in related analyses further testifies to Chinese elites’ conscious scrutiny of democratic governments’ own civil society policies vis-à-vis possible imitation and adaptation. Indeed, the regulation (instead of “simple” repression) of a sizeable civil society sector is a political issue in a world where democratic countries provide far more related examples and potential models than autocracies do. Democratic and authoritarian governments alike are required to set out an effective legal framework

for the work of NGOs or charitable foundations, even if these states' ultimate objectives may differ markedly. After all, US support for civil society abroad may well be motivated by a firm commitment to promoting democratic norms; however, the complications and foreign policy risks involved in this endeavour have also led US government agencies to step up controls ensuring that US funding is not used against American interests – not least by preferring US-originating NGOs as grantees over local civil society groups in target countries (Bush 2016; Schade 2010). These empirical complexities help explain why even authoritarian policymakers turn to democratic models for selective learning, as they are confronted with a burgeoning civil society sector that they wish to steer and control rather than oppress.

The forced decline of direct references to “civil society” following the circulation of the hardline “Document N° 9” (Chinafile 2013) undoubtedly reflects the leadership's negative learning from alleged “Western infiltration” in other authoritarian countries. But the concomitant rise of the “charity” concept – formerly vilified as imperialist and anti-socialist (Luova 2017) – points to another important change in the leadership's views on the sector: Back in 2006, the MCA released an initial draft for a “Charity Law,” actively soliciting input from experts within and outside China. For instance, individuals from the International Center for Civil Society Law were repeatedly invited by the MCA and the Ministry of Finance to provide input on tax issues related to charity regulation, and to submit written comments and suggestions for amending the draft law (ICCSL 2007). When the legislative process was suddenly suspended without explanation, a rapidly growing body of Chinese literature argued that national-level civil society regulation was “lagging behind” (落后, *luo-hou*) and turned to different aspects of the US charity regulation system explicitly to “draw lessons for China” – including on “tax policy as a powerful lever for the development of American philanthropy” (Chen and Tan 2007: 77), public fundraising, or the regulatory management of corporate donations (Ge 2014).

One widely cited analysis praised the US regulatory system's “threefold effect” of “promotion,” “equal treatment,” and effective “supervision” of charity organisations and strongly made the case for its adaption to the Chinese context (Zhang 2007: 102). Another recurring point of reference has been the United Kingdom's Charity Commission as a central body responsible for registering, guiding,

and reporting on charities (Wang Shiqiang 2012). Besides many technical questions, one key message from these analyses concerns the political inoffensiveness of (adequately regulated and supervised) philanthropic giving – which, rather than challenging government policies, contributes to the “public good,” and even increases socio-economic stability by alleviating concerns about inequality within a capitalist system. Consequently, various Chinese government agencies continued invitations to, and consultations with, foreign (mostly American and British) tax experts for several years before eventually coming up with a renewed draft of Chinese charity legislation.

These learning efforts from Anglo-Saxon countries have visibly materialised in the finalised Charity Law, which formally introduced the new concept of “charitable organisation” (literally translated as 慈善组织, *cishan zuzhi*). However, it somewhat awkwardly grafted related common law provisions upon China’s civil law system – within which distrust towards private legal persons acting in the “public interest” (公益, *gongyi*) remains deeply engrained (Pissler and Hippel 2006). Another example for international learning is apparent in Art. 7, which stipulates the creation of an annual “China Charity Day” on 5 September each year – explicitly modelled after the “International Day of Charity” declared by the United Nations in 2012. Yet the official explanatory note also refers, starting with Shenzhen Charity Day in 2008, to previous local examples in Chinese provinces – which are thus officially sanctioned as a successful means of “mobilising the public to participate in charity.”

Beyond official bureaucratic learning, Western ideas about charity have also diffused into China by other channels too. In terms of research and capacity-building for the nascent domestic charity sector, Chinese scholars turned to American model institutions – notably the Foundation Center, which disposes of the most detailed and insightful database on philanthropic organisations worldwide thanks to extensive information disclosure requirements in US foundation law. Based on this model, the MCA passed “Measures for the Information Disclosure of Foundations” in 2006, requiring all Chinese foundations to submit organisational information in an effort to increase transparency and foster the better understanding and development of China’s charity sector. In 2010, the “China Foundation Center” (中国基金会中心, *Zhongguo jijinhui zhongxin*) – clearly modelled in structure and purpose after its homonymous US counterpart – was set up



jointly by 35 Chinese foundations, with substantial financial support from the Bill & Melinda Gates Foundation and the Ford Foundation (China Development Brief 2019). American philanthropists like Bill Gates and Ray Dalio have also been personally committed to promoting their belief in “giving back to society” among the rapidly growing community of billionaires in the PRC. Together with three Chinese philanthropists, they set up the China Global Philanthropy Institute in 2015. It “applies an international, practical, and innovative method to produce philanthropic knowledge” in China, mostly through applied research and capacity-building for Chinese NPOs via its offices in Shenzhen and Beijing (CGPI 2019). Inspired by their American peers, more and more Chinese “high-net-worth individuals” have pledged to donate substantial shares of their private fortunes to charitable causes in recent years (Cunningham 2017).

Learning from democratic countries appears unlikely in the case of the FNGO Law, widely characterised as illiberal and anti-democratic. Some changes made between the second draft of July 2015 and the final text passed in April 2016 can be traced back to critical suggestions submitted by foreign organisations and Chinese experts; they are mostly technical in nature though (Jia 2016), confirming the ineffectiveness of coercion mechanisms in the Chinese case. However, one clear motivation for voluntary learning about civil society policies can be found in China's efforts to raise its international profile as part of President Xi's “Belt and Road Initiative” (BRI). Besides economic and geostrategic interests, the BRI aims to increase China's “soft power” and international status (Callahan 2016) by promoting “people-to-people connectivity” through collaboration between “people's organisations” (民间组织, *minjian zuzhi*) (He 2017). However, lofty ambitions to “let the people's hearts communicate” (民心相通, *minxin xiangtong*) (Xi 2017) are confronted with Chinese NGOs and philanthropic foundations' limited capacities and international experiences (Deng 2017). This explains a perceived need for increased cooperation with and learning from established ICSOs (Han 2011), which is increasingly reflected in government-supported transnational forums – such as the “Silk Road NGO Cooperation Network Forum” created in 2017. Finally, the fact that charity foundations are considered part of civil society in the US enables Chinese authorities to showcase their will to promote civil society actors in conformity with interna-

tional expectations through the Charity Law – while actually confining their sphere of influence to politically innocuous activities.

## Domestic Level: Cautious Dissemination of Lower-Level Experiments

Chinese civil society policy has consistently dangled between cautious opening and the reassertion of state control. The proliferation of formally “non-governmental” organisations during the 1980s, which many Western observers interpreted as a sign of the diffusion of political liberalism to China, was from a Chinese bureaucratic perspective rather the result of a need to replace the outdated Maoist *danwei* system with complete state responsibility for welfare provision. This implied the outsourcing of social services to (semi-)private organisations (Whiting 1991). This fundamental transformation of state–society relations was a challenging process, and one in which references to international models of corporatism and civil society were intensively discussed (Han 2016).

More importantly, however, subnational reforms and pilot schemes at the provincial and county levels would drive innovation in Chinese civil society policies in the absence of a clear national legal framework. Different models of “social management” (社会管理, *shehui guanli*) emerged during the 1990s, pitting more liberal provinces like Guangdong and Yunnan against more restrictive local administrations in Beijing, Jiangsu, or Shanghai (Teets 2014: 159). This development of distinct local “models” of civil society management during the 1990s and first decade of the new century was rooted in China’s performance evaluation-based cadre system (Zhu 2014), under which local officials were assessed and promoted according to centrally defined indicators – but enjoyed substantial autonomy in terms of how to achieve them. In this context of “performance-based decentralisation” (Shen and Yu 2017: 179) and diverse local circumstances, some subnational governments chose to empower NGOs due to their desirable contributions to social development, while others came to regard autonomous civil society groups as a threat to these objectives. Shen and Yu’s (2017: 189–190) comparative study confirms that local officials even explicitly explained their choices to promote or restrain civil society development by way of reference to learning from previous experiences with NGOs in their jurisdiction.

Local-level experiences have thus played a major role in the evolution of China's civil society policies, with the promotion of collaborative local government–NGO engagement models by Western foundations as a mediating variable (Spires 2012). However, the persistent power asymmetry within a staunchly authoritarian governance system means that local government “learning” from civil society in China also frequently takes the form of government agencies “exploiting” NGOs by giving them some leeway to experiment with innovative approaches, only to subsequently either disavow them or – in case of success – create their own, well-resourced “government-organised NGOs” (GONGOs) to steal and copy their ideas (Hasmath and Hsu 2016: 112–117).

The Charity Law's stated goal is to “promote a charity culture” (弘扬慈善文化, *hongyang cishan wenhua*) (Arts. 1 and 88/1) in society, focusing on two main areas: financial donations and volunteering. Experimentation with allowing and promoting the development of charity organisations already started in the 1990s (Luova 2017). In addition to national GONGOs, several provincial governments initiated their own NPOs to raise additional funds for social welfare purposes. Experimentation with more favourable regulations to encourage a greater number of citizens to volunteer started back in 2005 with Shenzhen's Volunteer Regulation being a local pioneer (Simon 2008: 982). Beijing and Shanghai followed up with similar volunteer regulations ahead of two key events: the Beijing Olympics in 2008 and the Shanghai World Expo 2010. The inadequacy of rigid registration requirements for volunteer organisations in dealing with unplanned events, which became apparent in the wake of the Wenchuan earthquake, contributed to national-level policymakers considering a liberalisation of the onerous registration system for certain CSOs in selected policy areas. While national-level progress on a formal Charity Law stalled after 2006, the MCA engaged in an “experimentation regime” under which it “signed open and transparent agreements with several provinces and municipalities for ‘experiments’ regarding loosening the legal environment for CSOs” (Simon 2011: 59). Shenzhen's 2009 agreement with the MCA on “advancing overall reforms to civil society undertakings” served as a pilot for waiving the rigid “dual registration” requirement (Hsu and Hasmath 2013: 524), followed by province-level try-outs in Guangdong which were officially disseminated by the MCA in 2012 (*Xinhua* 2012).

Local pilot schemes have also served as a way to test a new, ambiguous governance approach best characterised as “promote and control.” Essentially, this approach is aimed at expanding the delivery of social services by private charities while simultaneously increasing their dependency on the state. Thus, Beijing Municipality’s pioneering large-scale procurement of social services from NGOs, first announced in 2011 (Florini, Lai, and Tan 2012: 100), was subsequently imitated by other local governments before informing a new national strategy which Kang has characterised as “administrative absorption of society” (Kang 2018: 4). Eventually, the State Council’s “Guiding Opinions on Promoting Healthy Development of Charities” confirmed the double objective of “encouraging all parts of society to engage in charitable activities” while “strengthening oversight and control over charitable organisations and charitable activities” (State Council 2014). These authoritative *Opinions* paved the way for adopting the Charity Law, framed in terms of national development and the “cultivation of citizens’ charitable consciousness” (培育公民慈善意识, *peiyu gongmin cishan yishi*) (Art. 88/1). The second component of the envisaged “charity culture,” meaning the encouragement of private donations to charitable activities, equally builds on positive lessons from a coordinated policy experiment with public fundraising in nine provinces and municipalities starting in 2010 (Hu and Guo 2016: 217). One key lesson learnt from these experiments – similar to the above-described ones garnered from the US model – is that home-grown charities do not represent a form of serious competition to the party state, but rather strive to support government policies in fact.

Despite the FNGO Law’s perception as an epochal change, several features of it are much more in continuity with previous Chinese regulatory practices than has generally been appreciated in international discussions. Notably, the widely criticised “dual management system” – involving the need for CSOs to find a “supervisory unit” – is typical of Chinese civil society management, and had been first applied to the domestic non-profit sector decades earlier (Simon 2011: 59–61; Deng 2010), with similar problems regarding the lack of incentives for potential supervisory agencies (Hasmath and Hsu 2016: 110). For foreign foundations working in China, meanwhile, similar registration requirements had formally applied since 2004 under the “Regulations on Foundation Management” – however with little pressure to actually go through the cumbersome bureaucratic pro-

cess. The extremely low share of foreign organisations registered under these regulations pushed the MCA to initiate a pilot programme to register foreign NGOs in Yunnan Province in 2009 (Ye and Huang 2018: 208).

Provincial officials openly acknowledged their objective being “to regulate civil society activity to balance the benefits from international resources with the risks posed by groups with perceived unknown intentions” (Hsu and Teets 2016). “Yunnan Province’s provisional regulations standardizing the activities of overseas non-governmental organisations” (China Development Brief 2014) already featured many bureaucratic burdens that later dismayed critics of the FNGO Law, including staff-hiring restrictions, intrusive supervision competencies, and frequent reporting to different government departments. Indeed, the first draft of the FNGO Law contains many passages directly inspired by the Yunnan pilot regulations. These include the need for FNGOs to seek approval and support from their Chinese “professional supervisory unit” (业务主管单位, *yewu zhuguan danwei*) on virtually all aspects of organisational management, staff details, and programme planning before even going to the registration authorities (FNGO Law Arts. 11, 12, 14, 27, 31, 40; Yunnan Reg. Arts. 11, 14, 25), restrictions on political and religious activities (FNGO Law Art. 5 (2); Yunnan Reg. Art. 13), the requirement that FNGOs contribute to “public welfare” and socio-economic development (FNGO Law Art. 10 (3); Yunnan Reg. Art. 6), as well as many technical stipulations such as the long list of documents required for filing an application (FNGO Law Arts. 12, 17; Yunnan Reg. Art. 7) or immediate reporting requirements for even minor changes made to programme and financial planning (FNGO Law Art. 19; Yunnan Reg. Art. 9). Despite these onerous provisions, the number of registered ICSOs in Yunnan Province alone quickly exceeded those hitherto registered in the whole country, and the absence of a public backlash equally qualified the Yunnan regulations as a “model for national policy” (Shieh 2018: 5) even before Xi came to power.

By contrast, evidence of negative learning from domestic experiences with civil society actors is scant in the Chinese case. Far from challenging the CCP’s authority, most foreign and domestic CSOs have rather sought to engage in constructive policy dialogues with government representatives (Xie 2011; He and Yang 2013). Even the

kind of rights-based advocacy which has come to be seen as a “hostile force” among the CCP leadership is primarily oriented towards enforcing existing rights and legal safeguards within China’s current constitutional order. Consequently, the narrative of supposedly hostile Western interference and subversion of autocratic governments with the help of local CSOs in Chinese debates is almost exclusively substantiated with examples from Central Asia and the Middle East instead (Ma 2015; Wang Zhen 2012; Wen 2007). Thus, negative domestic learning contributes little to explaining the more restrictive elements of the new legal framework.

## China’s New Governance Approach

Considering the FNGO Law’s substantive similarities with a preceding domestic policy experiment, its important “innovations” concern specifically the unexpected transfer of supervision competence from the MCA to the MPS. Additionally significant is the fact that it was passed as formal legislation in 2016, breaking with a decade-long practice of more flexible and discretionary administrative regulations. One fundamental change for ICSOs since 2017 has been the much higher pressure to go through the formal registration process (Lang and Holbig 2018), since Chinese regulators appear no longer willing to tolerate the grey-area activities characteristic of the previous informal governance approach (Deng 2010; Hildebrandt 2011). The additional restrictions and intrusive supervision rights certainly reflect the security apparatus’ heightened distrust of ICSOs. Yet despite the Charity Law’s more “constructive” nature and far more positive initial reception within the non-profit sector, both laws are ultimately embedded in the same “promote and control” logic. Such a more repressive and security-focused but also more law-based regulatory approach to CSOs conforms with the CCP’s overall efforts to govern and control a modern, capitalist, and pluralistic society based on the dictatorial principles of an “upgraded” Leninist one-party system (Heilmann 2016). This implies a delicate balancing act between the regime’s quest for complete control over society and its desire to spur societal innovation and use the “positive contributions” (积极贡献, *jiji gongxian*) (Xinhua 2015) of civil society for its own purposes, which arguably lacks convincing international predecessors or models to learn from.

Moreover, President Xi's persistent efforts to recentralise decision-making in conjunction with a sustained, intimidating anti-corruption and disciplinary campaign have significantly reduced lower-level cadres' leeway in experimenting with own, innovative governance approaches. The distinct local models identified earlier by several observers (Heilmann 2008a; Teets 2013; Zhu 2012; Zhu 2014) have thus been washed out. Alternatively, as with the Yunnan regulations, they have been integrated into a national framework.

## Conclusion

Seen in conjunction, China's two new civil society laws do not fall neatly in line with the core characteristics of the perceived international "pushback." Applying the proposed typological framework of authoritarian learning, the empirical analysis of the Chinese policy process has confirmed the relevance of international learning, but also called into question the prevalence of cooperation among or positive learning from authoritarian regimes. Instead, identified instances of authoritarian learning mainly fall into the "domestic-positive" and "authoritarian-negative" categories, being complemented by "democratic-positive" learning on charity regulation.

To some extent, domestic and international learning have yielded contradictory lessons for the Chinese leadership: Positive domestic experiences from gradually facilitated engagement between local officials and the civil society sector stand in contrast with negative lessons from other authoritarian regimes supposedly being undermined by foreign civil society funding. Despite the CCP security apparatus's growing distrust of non-state actors, observations regarding the role of CSOs and particularly that of charity organisations in Western democracies have provided inspirations for Chinese policymakers looking for innovative means of reaching their own "social development" objectives. Thus, the Charity Law somewhat inconsistently combines lessons from democratic countries and domestic policy experimentation with regulatory conservatism motivated by negative international lessons.

The "authoritarian-positive" category remains a methodological challenge. Output similarity – which exists to some extent between the Chinese FNGO Law and its supposed forerunners in Russia and elsewhere – is a necessary but not sufficient condition for establishing

authoritarian learning. The occurrence of actual authoritarian learning and cooperation, especially at lower bureaucratic levels, remains extremely hard to ascertain because even if the regime drew lessons from successful restrictive measures elsewhere there would be no incentive to openly discuss this. This limitation notwithstanding, the problematic fixation on comparing subsequent policy outputs in authoritarian diffusion studies (Erdmann et al. 2013) is mitigated by a more comprehensive analysis of domestic policy processes and related public debates, one which is attentive to learning from alternative, complementary, or contradictory experiences at different levels.

The present analysis suggests that the main international diffusion mechanism responsible for shrinking civil society spaces is one of regimes' parallel learning from ICSOs' seemingly effective role in challenging other authoritarian regimes abroad. Lessons for necessary "countermeasures" are drawn according to local contexts, domestic incentives, and bureaucrats' lived experiences. In the case of China, the local context has so far favoured a more restrictive and surveillance-based – but not openly aggressive – approach to ICSOs in parallel with a promotion of politically non-sensitive, domestic social organisations that are meant to progressively replace foreign funding in the public welfare sector.

From a theoretical viewpoint, the analysis confirms that both exclusively domestically focused and purely IR-oriented approaches tend to overestimate the relative importance of either country-specific idiosyncrasies or international policy transfer respectively. Those divergent approaches should thus henceforth be more systematically integrated, to offset their respective shortcomings. While a single-country case is obviously not representative of authoritarian learning mechanisms in general, future research could build on this analysis to further explore how different variables – such as the type of authoritarian system or internal and external regime security – influence the relative importance of, and interplay between, the six types of authoritarian learning that have been discussed here.

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# Contents

## State and Society under Xi Jinping

### Introduction

- Phil ENTWISTLE  
The Xi Paradox: Reconfigured Party Power, Long-Term Risks 3

### Research Articles

- Yuanyuan LIU  
Staging Repentance: A Discourse Analysis of Mediated Confession in Xi Jinping's First Five-Year Term 17
- Aleksandra KUBAT  
Morality as Legitimacy under Xi Jinping: The Political Functionality of Traditional Culture for the Chinese Communist Party 47
- Jérôme DOYON  
Clientelism by Design: Personnel Politics under Xi Jinping 87
- Dylan M. H. LOH  
Diplomatic Control, Foreign Policy, and Change under Xi Jinping: A Field-Theoretic Account 111

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### Research Article

- Bertram LANG  
Authoritarian Learning in China's Civil Society Regulations: Towards a Multi-Level Framework 147

## Analysis

- Heike HOLBIG  
China after Reform: The Ideological, Constitutional,  
and Organisational Makings of a New Era 187

Contributors 209

Article Index 2018 211